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# SENATE BILL No. 95

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-12-9; IC 35-42-4-3.

**Synopsis:** Sex offenders. Makes it a Class B felony (instead of a Class D or Class C felony) for a sex offender to knowingly or intentionally fail to register as a sex offender. Makes child molesting committed by performing or submitting to sexual intercourse or deviate sexual conduct with a child less than 14 years of age a Class A felony (instead of a Class B felony). Makes child molesting committed by fondling or touching a child less than 14 years of age with the intent to arouse or satisfy the sexual desires of the child or the older person a Class B felony (instead of a Class C felony).

**Effective:** July 1, 2006.

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### Meeks

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January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 95

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-2-12-9 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2006]: Sec. 9. An offender who knowingly or  
3 intentionally:

4           (1) fails to register under this chapter; or

5           (2) fails to complete and submit a new registration form as  
6 required under section 8(a) of this chapter;

7 commits a ~~Class D~~ **Class B** felony. ~~However, the offense is a Class C~~  
8 ~~felony if the offender has a prior unrelated offense under this section.~~

9       SECTION 2. IC 35-42-4-3 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person who,

11 with a child under fourteen (14) years of age, performs or submits to  
12 sexual intercourse or deviate sexual conduct commits child molesting,  
13 a ~~Class B~~ **Class A** felony. ~~However, the offense is a Class A felony if:~~

14           (1) it is committed by a person at least twenty-one (21) years of  
15 age;

16           (2) it is committed by using or threatening the use of deadly force  
17 or while armed with a deadly weapon;



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1 (3) it results in serious bodily injury; or  
 2 (4) the commission of the offense is facilitated by furnishing the  
 3 victim, without the victim's knowledge, with a drug (as defined in  
 4 IC 16-42-19-2(1)) or a controlled substance (as defined in  
 5 IC 35-48-1-9) or knowing that the victim was furnished with the  
 6 drug or controlled substance without the victim's knowledge.

7 (b) A person who, with a child under fourteen (14) years of age,  
 8 performs or submits to any fondling or touching, of either the child or  
 9 the older person, with intent to arouse or to satisfy the sexual desires of  
 10 either the child or the older person, commits child molesting, a ~~Class~~  
 11 **Class B** felony. However, the offense is a Class A felony if:

12 (1) it is committed by using or threatening the use of deadly force;  
 13 (2) it is committed while armed with a deadly weapon; or  
 14 (3) the commission of the offense is facilitated by furnishing the  
 15 victim, without the victim's knowledge, with a drug (as defined in  
 16 IC 16-42-19-2(1)) or a controlled substance (as defined in  
 17 IC 35-48-1-9) or knowing that the victim was furnished with the  
 18 drug or controlled substance without the victim's knowledge.

19 (c) It is a defense that the accused person reasonably believed that  
 20 the child was sixteen (16) years of age or older at the time of the  
 21 conduct.

22 **SECTION 3. [EFFECTIVE JULY 1, 2006] IC 5-2-12-9 and**  
 23 **IC 35-42-4-3, both as amended by this act, apply only to crimes**  
 24 **committed after June 30, 2006.**

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